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The correct arms of the
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THE
CORRECT ARMS

OF THE
STATE OF NEW YORK,

AS ESTABLISHED BY LAW SINCE MARCH 16, 1778.

A HISTORICAL ESSAY READ BEFORE THE ALBANY INSTITUTE,
DECEMBER 2, 1879.

BY

HENRY A. HOMES, LL. D.,

OF THE STATE LIBRARY.

ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1880.

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ARMS OF THE STATE OF NEW YORK:.

FAC SIMILE

of the Initial T, engraved on

A NEW YORK MILITARY COMMISSION

from Gov. G. Clinton,

of June 25, 1778.

THE
CORRECT ARMS

OF THE

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LETTER OF THOMAS W. OLCOTT, ESQ.

ALBANY, *March* 1, 1880.

ORLANDO MEADS, Esq.,

President of the Albany Institute:

DEAR SIR: It gives me great pleasure to offer through you, for the acceptance of the Albany Institute, an edition of Mr. H. A. Homes' study of the facts relative to the true Arms of the State of New York, which he read at a late meeting, and of which your association has requested a copy for its Transactions. I regard the subject as one of practical importance, and I believe with the author of the essay, that the expressive symbolism delineated upon our State Arms, is worthy of a scrutinizing attention, and that no feature of it should be ignored or abandoned, without the most deliberate and public consideration. The theme of which it treats is clearly appropriate to the researches of the Institute, being included in one of its three departments.

I have hoped that by securing the printing of an edition somewhat larger than the usual one for the series of the Transactions of the Institute, and separate from it, that a wider circulation might be given to the paper; and especially that as the volumes are only issued at long

intervals of time, this early publication might be more useful through the action of the Institute, if it should be disposed to take any.

Very respectfully yours,

THOMAS W. OLCOTT.

PREFATORY NOTE.

The exceedingly well executed drawing which accompanies this paper, is a perfect *fac simile* of the Initial Letter of the Military Commission of 1778, engraved by Mr. A. Tolle, of the Lithographic establishment of Messrs. Weed, Parsons & Co. It has been engraved and placed there not as a model for close imitation, or for its positive beauty, but on account of its historical value as a witness in exact form of what was the original device of the State Arms; so that in attempts to re-establish the original arms complete, with ornamentation conformed to the most cultivated modern taste, all those engaged in the undertaking, might have constant recourse to it.

I take pleasure in being able to state that the Rev. John H. Frazer, who is mentioned on page 32, as the possessor of the original of the Military Commission of June 25, 1778, from which the photograph was taken, has considerately and kindly, since that note was written, yielded to my request, and allowed it to be deposited in the State Library, and to become the property of the State. It is now exhibited there in a frame under glass, where any who are curious to examine it, can satisfy themselves, regarding points in the engraving hitherto unnoticed as belonging to the Arms.

If any persons are aware of, or can learn of the existence of copies of this engraved Military Commission in private hands, information of the fact will be gratefully received at the State Library; for it would be a matter of considerable interest to ascertain the latest period when this engraved form of the Arms was in use on Military Commissions. There is considerable difference in the language employed on commissions at the present time and the language on the commission of 1778.

March 22, 1880.

THE CORRECT ARMS

OF THE

STATE OF NEW YORK.

The people of the States of the New World, who have become independent of the monarchical governments of Europe, have all adopted certain emblematic devices, by which they are recognized among themselves, and by the rest of the world. These emblems they employ upon their public buildings, their flags, their seals, their medals and in other ways. They consist of a shield and crest, and other insignia, which they call the Arms of the State, and the symbols are calculated to awaken in friend and foe due sentiments of respect. In devising these Arms or Ensigns, they have imitated their former rulers, whose monarchies from the times of the crusades have employed such signs, most frequently called coats of arms, as badges of honor and discrimination. The usage has been so systematized and developed, as applied to families and States, as to give rise to that special art, called the science of heraldry.

As a people we have no yearnings for heraldry, or for coats of arms, except as a means of symbolizing a State by some sign of a lofty idea or aim, or of its characteristic traits; and in this spirit all the States and Territories within the Union of the United States of America, and also many of the cities and towns, have adopted the custom of using each a special symbol, as the State or city Arms. By and through this symbol, the State, its presence, its dignity, its property, its authority and the relation of individuals to it for obedience and love, are declared with most effective emphasis. The devices on the arms of these many States are extensively known and easily remembered by all men interested: because they are perpetuated without any changes; except in unessentials, as of the drapery of the figures, or the arabesques or scroll work surrounding them.

When, however, we come to our own State, the great State of New York, we find that for many years past there has existed great uncertainty, even among the best informed in the State, as to what is the exact and genuine device of its State Arms; and in the community generally, those who should be requested to state in an informal way what are the arms of New York, would be unable to answer with tolerable correctness, except that at least all, recalling "that banner with a strange device," could probably say, "I know that the *Motto* is, *Excelsior*." Enquiries are frequently made from other States at the public offices for a correct copy of the Arms, and whatever answer is sent, it is with doubt and hesitation.

I am glad to be able to say, that I think that the information which has been accumulated, from the date of

the Centennial year of 1876, makes it now possible to set forth the true Arms of the State in an unquestionable form, and in their original beauty and force.

The first and only device of Arms that was ever made for the State was prepared by a committee, appointed by the New York Provincial Congress in the year 1777. In the Journals of that body, we read the following, under the date of April 15:

“On motion of Mr. Morris, *Resolved*: That a committee be appointed to prepare a proper device for a great seal for this State; and that Mr. Morris, Mr. Jay and Mr. Hobart be a committee for that purpose.”*

The Congress adjourned in less than one month thereafter: and of what was done on this subject by the three distinguished members of the Committee, Lewis Morris, John Jay, and John Sloss Hobart, nothing is recorded in the Journals of the Congress or the Convention, because the disturbances of active war on the Hudson river, either prevented protracted meetings or general business previous to the first meeting of the legislature in 1778. The next mention of the State Arms is after the adoption of the constitution of the State of New York of 1777 at this first session. In the first general law, the one for the organization of the government, and passed March 16, 1778, it is said that the device prepared by this Committee was adopted.

The language of the Statute of 1778 as far as relates to the Arms and Seals is in these words:

“And whereas arms have been devised for this State, and two several seals have been devised and made, one

* Provincial Congress of N.Y., Journals, vol. I, p. 882.

of the said seals as and for the great seal, and the other as and for the privy seal of this State, (and which said seals are now in the custody and possession of his excellency the present governor):—

“Be it therefore further enacted by the authority aforesaid, that the said arms and seals shall severally be and they are hereby respectively declared to be the arms, the great seal and the privy seal of this State.” A subsequent clause in the section declares, that such matters as were issued under the seal at arms of the governor of the colony shall issue under the new seal: and a clause in section five requires the person administering the government to “deliver to the secretary of the State descriptions of the device of the said arms and seals, hereby declared to be the arms, the great seal and the privy seal.” These several extracts embrace every mention of the word Arms throughout the law.*

In April, 1786, an act was passed which authorized the issuing by the State of £200,000 in bills of credit; and it declared: “Upon which bills shall be impressed the Arms of the State of New York;” and no mention is made of an impress of any seal of the State upon the said Bills. The Arms are once more mentioned in the law in speaking of the engraver to engrave them.†

Eighteen years afterward, a law of Jan. 26, 1798, provides for a commission of three public officers to repair or cause to be made a new great seal, after such device as the commission shall judge proper, but it makes no allusion to the *Arms* of the State. It simply requires

* Laws of the State of N.Y., Greenleaf's ed., vol. I, p. 18.

† Laws of New York, Greenleaf's ed., vol. I, p. 241.

that a written description of the seal shall be preserved in the secretary of State's office.* This Commission however in making a new seal record the description of it in 1799 in these words: "The arms of the State complete, with supporters, crest and motto: around the same, The great seal of the State of New York." They then describe the reverse. They do not pretend to have devised a new Arms; and while they have not followed closely the old device, they do not appear by the terms of the law to have had any authority for any changes which were made by the artist. †

A law of March 20, 1801, like the preceding one, regarding the great seal and the privy seal of the State, uses the following language:

Sect. 5. "The description in writing of the arms and of the great and privy seal of this State, recorded and deposited in the office of the secretary of this State shall remain as public records; and the arms and great and privy seal aforesaid, of which descriptions in writing have been deposited and recorded as aforesaid shall be and continue the Arms, the great seal and the privy seal of this State: . . ." ‡

This law makes no further mention of the Arms, but merely continues to speak of the two seals.

May 27, 1809, a law was enacted authorizing the secretary of State to make a special Seal for his own office, of such device as the governor should approve; and a

* Laws of New York of 1798, p. 249.

† The Commission consisted of S. Jones, S. De Witt, and J. Ogden Hoffman. Their report, filed Jan. 22, 1799, may be found in the first volume of the folio entitled "Official Seals," in MS. in the secretary of State's office. Also, see N. Y. civil list, Ed. of 1860, p. 469.

‡ Laws of N. Y., Webster & Skinner's ed., vol. I, p. 205.

new great seal with a written description, to be preserved in the secretary's office. This law of 1809 makes no mention of the Arms of the State. *

A law passed Feb. 25, 1813, does not differ from the law of 1801 except that it includes a seal for the office of the secretary of State, under a like requirement for the preservation of a description of the Arms. Chap. XIV, Sect. 6, requires "That the description in writing of the Arms and of the great and privy seal of this State and of the seal of office of the secretary of this State, deposited and recorded in the office of the secretary of this State, shall remain as public records; and the arms and great and privy seal aforesaid, and the seal of office of the secretary, of which descriptions in writing have been deposited and recorded as aforesaid, shall be, and continue the arms, the great seal and the privy seal of office of the secretary of this State." †

The State Arms are not again mentioned in this law, nor in any law of this State since that date, except as they are mentioned in the revised statutes; and the language in the last edition of 1875 relating to the Arms and Seals, is the following:

"Sect. 20. The description, in writing, of the arms of the State, and of the great and privy seals, and of the seal of office of the secretary of State, deposited and recorded in the secretary's office, shall remain as public records; and the said arms shall continue to be the arms

* Laws of N. Y. 1809, Chap. 141, p. 135. A description of this seal of 1809, signed by Gov. Tompkins, and an impression of it may be found in the volume of Official Seals, Secretary of State's Office.

† Laws of N. Y., Van Ness & Woodward's ed., vol. I, p. 458.

of the State, and the said seal of office, to be the seal of office of the secretary of State.*”

The declaration that there is somewhere a standard Arms of the State, that can be appealed to, is here very emphatic; and the importance of the declaration will be seen in the sequel.

Of all the descriptions of the arms and seals alleged to have been deposited and recorded in the “secretary of this State’s office”, not one can be found, I am assured, except a brief description, without heraldic detail, of the seal of 1809. The search for these descriptions has, I believe, been repeatedly made during the last thirty years; their disappearance, if they ever existed in the office, is not a recent one.†

This memorandum containing the description of the great seal of 1809, describes a picture, having as a basis the arms of this State, which is drawn up in heraldic language, but is none the less defective if regarded as a complete description of the Arms. I quote it in a note as being of record in the secretary’s office. ‡

From all these extracts from the laws which I have

* Banks’ Ed. of Revised Statutes, 1875, vol. I, p. 525.

† N. Y. Gen. and Blog. Record, vol. III, p. 18. — N. Y. Civil List, ed. of 1857, p. 420.

‡ Copy of the memorandum of 1809 in the secretary of State’s office:

“Description of the new great seal of the State of New York, procured in pursuance of the act entitled ‘An Act relative to the office of secretary of this State, authorizing the making of a new great seal and to amend the act entitled an act concerning oaths.’” Passed March 27, 1809.

Argent. A rising sun proper.

Crest. On a wreath a demi globe and an eagle passant regardant all proper.

Supporters. The figure of justice on the dexter, and liberty on the sinister side.

Motto. Excelsior.

Legend. The great seal of the State of New York.

read, and they embrace all the laws relative to the subject that I have discovered, it does not appear that the first device of Arms adopted by the State has ever been changed by statute. Nor in the journals of the legislature, from the time of the adoption of the Arms to the present time, is there any evidence of an attempt to change them by legislation. These laws, authorizing changes in the *seals* of the public offices, do not entail as a consequence, or even suggest, any change in the State Arms.

The Arms of a people, containing symbols and emblems, adopted under the influence of and exemplifying the ideas and principles of an especial crisis, are of too serious moment to be subject to be changed in accordance with the peculiar fancies of individuals in each successive decade of years. And if changed at all after some new grand crisis, the change should not be made regardless of the prevalent laws of the science of heraldry. Thus it is almost without example in accordance with its laws, that one or both of the two supporters of the escutcheon should be in a sitting posture, as they may be found on some of the seals of the State, and in pictures alleged or supposed to represent the State Arms. The words "incumbent" or "recumbent," applied to the seal of 1809 in the New York Civil List is used to contradistinguish the modern seal from the pendant seal of earlier days, and not to the supporters as lying or sitting. The name of *supporters*, given heraldically to the figures by the sides of a shield, implies that they should be standing. Additions may more appropriately be made to a shield than changes may be made in it: as in the case of annexation of, or of union with a new State.

I must add that no *printed* description of the Arms of the State, as devised and adopted in 1778, has been found to my knowledge in any early printed document of the State; nor has there been found a line, in any early document or memorandum printed or written anywhere, touching the arms or *the seals*, authorizing both of the figures of Justice and Liberty, or either of them, to be seated.

It might be conjectured by some persons that the changes which were from time to time made in the seals, implied a change in the Arms, on the assumption that the word *arms* was merely a name for the central portion of the seal. This assumption is without foundation, because that, when in 1778 the great and privy seals were decreed, the Arms were also decreed as a separate thing. The proof of this is given in the specimens of the seals of 1778 annually reprinted in the New York Civil List, where we see that the devices of the seals differ greatly from the device for the Arms. The first great seal had on the obverse side solely a rising sun, with the motto, *Excelsior*, and the legend, "The great seal of the State of New York." On the reverse, was a rock amid the ocean with the legend, *Frustra*. 1777. At the same time, the Arms were made having among other emblems Liberty and Justice as supporters of the shield.

It will not have escaped notice that the resolution of the N. Y. Provincial Congress of 1777 called for a seal only; while the law of 1778 declares the existence of and adopts, both Arms and Seals. We may be allowed to suppose that the Committee having provided a seal with

a portion of what is now the Arms, with an obverse and reverse, as for the pendant seals which have a seal on both sides, judged it necessary to set forth an Arms complete as a substitute for the colonial Arms formerly in use with the Royal escutcheon, looking forward to the time when they would be also upon the Seal. The section in the law of 1778 providing for Arms speaks of the Governor's "Seal at Arms." And so twenty years having elapsed before the subject was again reached by the legislature, the Commission under the law of 1798, speak in 1799 of the new great seal, as having the "arms complete," as if they had completed a work which had been intended for the great seal from the beginning.* Embarrassment had been felt on account of the contrast between the Seal and the Arms, and therefore the new seal was made to embrace the original Arms of 1778, with modifications, which there was authority to make, as regards devising a seal; but as the law of 1798 makes no allusion to the Arms, consequently it gave the commission no authority to make changes in them.

The whole interest of this essay turns upon the fact, that having, as I hope, produced a strong conviction in your minds, that the Arms of the State have never been changed by statute or legal authority, and then shown that the written description of them has apparently been lost, I am now able to adduce the strongest evidence of what was the original device, — evidence which in most respects is of more value than a description would be. The evidence consists in three specimens of the State Arms which have been preserved as they were engraved

or painted before the year 1785, a date which is within eight years of the first passage of the law for a State Arms; and each one of the three is impressed with a measure of official authority.

The *first of these early specimens* is a copy of the Arms as they are engraved upon a military commission signed by Gov. George Clinton, June 25, 1778, the commission itself being dated within about three months after the passage of the law of March 16, 1778. Mr. Edward F. De Lancey, President of the Westchester Historical Society, a master of the mysteries of heraldry, who first brought this specimen to my notice, gave a photographed copy of it to the State Library. He thus speaks of it in a letter to me dated July 8, 1878:—

“.....The whole form of the commission is engraved upon a copper plate elegantly executed, about eight by ten inches in size, the arms being in the upper right hand corner.I never saw or heard of it till this week. . . . It is as fine a piece of copper plate engraving as I know of executed in America. I have had the elegant initial letter T in which the arms are used as an interior ornament, photographed. The engraver's name is Dawkins, and he is I believe the same man who made the first *seal* of the State. . . . He lived at Poughkeepsie. The date of the commission is June 25, 1778. . . . The photograph of the T is only a trifle larger than the original. . . . This commission is a general militia commission, and could be used for any rank of field or company officers, blanks being left to be filled as required.”

The commission was for Daniel Mortine, as second

lieutenant of Capt. Samuel Haight's company of Westchester county, in Col. Samuel Drake's regiment. The initial letter T was for the first word of the commission, *The*. The first clause of the sentence reads, "The people of the State of New York."

In this specimen the shield is much broader at the base than in the two following specimens, for a reason which will afterwards be explained. The scales of Justice are held clear of her body, and the sword is not held firmly erect. The drapery of the figures though not classic is more agreeable than in the third specimen. As this specimen is the first in order of time and employed upon a military commission signed by the Governor, it necessarily takes precedence over the others as having more direct official authority.

Mr. G. R. Howell of the State Library has kindly furnished a blazon of the Arms on this commission, that should have technical exactness as far as possible, regard being had to the failure of the engraver to indicate colors by the usual mode of dots and lines, and to the modern costume of the figures.*

* Blazon of the Arms of New York as engraved on the Military Commission of 1778, by Mr. George R. Howell.

Arms. Azure, in fess, the sun rising in splendor, or, behind a range of three mountains, vert and half irradiated, at their base forming a grassy shore; in base a ship and sloop under sail, passing and about to meet, on a river (or strait) irradiated, bordered by a grassy shore fringed with shrubs, all proper.

Crest. On a wreath argent and vert, an eagle proper rising to the dexter, from a two thirds of a globe, showing parallels of latitude, and the Atlantic ocean with adjoining outlines of the equatorial portions of the two continents.

Supporters on a quasi compartment formed by the extension of the scroll.

Dexter. Liberty, her face, neck, arms, and hands proper, the feet in socks; vested in a short tunic, uncinctured, fringed at bottom, demi-sleeved, over a gown reaching to the feet. Over all, a broad sash vert, festooned, depending from under her sinister shoulder to

The *Second Specimen* of the Arms is one which was painted upon the flag of the Third New York Regiment commanded by Col. Peter Gansevoort Jr., during the revolutionary war. The regiment had been raised and recruited by him in 1777, and its first active service was in defence of Fort Stanwix on the Mohawk river, where it made a successful sortie against the forces under Gen. St. Leger. The colonels of the three New York regiments had petitioned the Committee of Safety to be furnished with colors as early as Nov. 30, 1776. But this regiment was still unprovided with a flag. The knowledge that the flag, which they had improvised during the investment, had been made with portions of the garments of some of those within the fort, induced the preparation in the year 1778 or 1779, of the beautiful stand of colors for the regiment, which is still reverently preserved in the family, although much tattered. With the kind consent of its present possessor, Mrs. Abraham Lansing of Albany, it was unfurled with great

her dexter hip, and thence from a fastening nearly to the ankles. In the dexter hand a staff ensigned with a Phrygian cap, the sinister arm embowed, the hand and fore arm behind and supporting the shield; the sinister foot resting on a royal crown dejected.

Sinister. Justice, her face, neck, arms, and hands proper, her feet in socks; vested in a short tunic uncinetured, fringed at bottom, demi-sleeved, over a gown reaching to the feet; over all a broad sash gules, crossing bendwise from the sinister shoulder to the dexter hip; bound about the eyes with a fillet vert(?); in the dexter hand a two edged sword, cross-hilted, erect, the middle point resting against her dexter shoulder; the sinister arm embowed, the hand holding out from the person her scales proper.

Motto. On a scroll argent, in sable, Excelsior.

Observations. A slight amount of scroll work is employed for ornament above the shield.—No indication of color by dots or lines is given on this engraving, except in the cases of the wreath, the sash of Liberty, and the sash and fillet of Justice, where the lines represent the colors above given, but may have been intended only as an artist's shading.

ceremony at the centennial celebration at Oriskany in 1877, exciting a thrill of admiration in the fifty thousand people assembled there.

The Regiment remained at Fort Stanwix (Schuyler,) till June, 1779, when it marched to take part in the Sullivan campaign of that year. During 1780 it was with the main army under Gen. Washington in New Jersey. In Jan., 1781, the 3d, 4th and 5th N. Y. regiments were consolidated with the 1st and 2d. Col. Gansevoort, Oct. 15, 1781, being at Albany, was sent by Gov. Clinton as General of brigade to maintain the authority of the State in the direction of Vermont.* Gen. P. Gansevoort in 1864 wrote with his own hand a declaration that that flag was also "borne at the surrender of Yorktown in 1781,"† having been carried probably to the 2d regiment, and allowed to be used on account of its history and beauty, and for the sake of the battalion from the 3d Regiment which had joined it. It was afterwards returned to Gen. Gansevoort at Albany. Whether the flag was present on that occasion or not, its value is enhanced as a specimen of the true Arms of New York in proportion as the date when it was painted, approaches the year 1778, when the law establishing the Arms was passed.

I have entered into more details regarding this flag than would have been necessary, if it had not been that a State appropriation in 1879 was made to secure a copy

* Some of the preceding statements respecting the history of this regiment have been condensed by me from a much longer sketch in MS., for which I am much indebted to Prof. A. B. Gardner, LL. D., Judge Advocate, U. S. A., now in New York city.

† Albany Army Relief Bazar: Catalogue of Relics. Albany: 1864. 8vo.

of the Arms "taken from a flag borne at Yorktown in 1781," which was expressed in these terms: "For the secretary of State, for the purchase of a colored picture of the arms of the State, taken from a flag borne at Yorktown by the American army in 1781, to be deposited in the State Library, the sum of fifty dollars."*

The doubt thrown by the researches of Maj. Gardner, on the truth of the alleged fact, led to conclusions as stated above, which made the flag still more valuable as a witness to what are the correct Arms, than on the assumption made in the law appropriating money for the painting.

The Arms are carefully and finely painted upon both sides of the flag, which is of dark blue silk, and about seven feet square. The Arms complete cover upon the flag a space of about four feet four inches wide by three feet five inches high; the two figures are each two feet two and a half inches high.

Acting again in the same kind spirit as I before mentioned, Mrs. Lansing has afforded the utmost facility for securing an exact copy of this venerable flag for the purpose of the law. It has been beautifully and perfectly painted on canvas in oil colors by Miss Annie Wrightson, of Albany. The copy is one half of the size of the painting on the flag.

This second specimen presents some striking departures from the first, chiefly such as were introduced by the fancy or carelessness of the painter. It has the great value of being the first specimen which we have in colors; and the colors of the drapery differ consider-

* Laws of 1879, May 13, Chap. 272.

ably from those employed in the third specimen. The expression of the features of the head of Liberty is peculiarly winning. Of the Arms on the flag I am able to subjoin a more technical description, as before, through the kindness of Mr. Howell.*

The *third of these specimens* of the State Arms is a painting on canvas, which was first hung up in St. Paul's Chapel, New York city, on the south wall, in 1785. It was suspended over the large square and canopied pew occupied by Gov. George Clinton, and opposite to a similar pew on the north occupied by Gen. Washington, one of them having been the pew of the Provincial governor during the British possession of New York, and after

* Heraldic description of the Arms on the N. Y. Regiment Flag of 1779.

Arms. Azure, in fess the sun rising in splendor, or, behind a range of three mountains, proper; in base the sea wavy.

Crest. On a wreath argent and gules, an eagle proper, langued of the last, rising to the dexter from a two thirds of a globe showing the Atlantic ocean, and a part of the Eastern and Western continents in outline.

Supporters. Supporters on a quasi compartment formed by the extension of the scroll. **Dexter.** Liberty, her hair brown, her face, neck, arms, hand and feet proper, the last sandalled and stringed gules; vested in a close fitting waist, demi-sleeved, having lapels falling over a gown reaching to the feet, both cloth of gold; a mantle gules depending from the shoulders behind to the feet; a ribbon azure passing from the sinister shoulder bendwise under the dexter breast; in the dexter hand a staff, ensigned with a Phrygian cap, or, the sinister arm embowed, the hand supporting the shield; the sinister foot resting on a royal crown dejected.

Sinister. Justice her hair brown, her face, neck, arms, hands and feet proper, the last sandalled and stringed gules; vested in a close fitting waist, demi-sleeved, having lapels falling over a gown reaching to the feet, both of cloth of gold; a mantle gules, depending from the shoulders behind to the feet; a ribbon azure passing from the dexter shoulder bendwise under the sinister breast; bound about the eyes with a fillet proper; in the dexter hand a sword erect resting between the forte and middle parts on her dexter shoulder, the sinister arm embowed, the hand holding out from her person her scales proper.

Motto. On a scroll argent, in sable, Excelsior.

Obs. One branch of scroll work is used for ornament over each supporter, terminating at the wreath. Fluer scroll work borders the outer edge of the shield.

the burning of Trinity Church in 1776. At "some dreary day of modernizing"* the painting was locked up along with the painting of the Arms of the United States. After a few years, they were suspended in the porch: but both were restored to their original places about the year 1857. The dimensions of this picture of the New York Arms are 67 by 45 inches.

In 1875, the authorities in Philadelphia, preparing for the Centennial celebration of 1876, were desirous of securing paintings of the arms of the original thirteen States for suspension in Independence Hall, and they applied to Mr. DeLancey, whose name I have already mentioned, for a copy of the New York Arms. Mr. DeLancey regarding this painting justly, as the most correct and ancient picture of the Arms then known, by his personal exertions obtained an appropriation in the supply bill of 1875 of six hundred dollars for the purpose of having copies of it made. It reads: "For the governor, for the purpose of procuring two paintings on panel-wood or metal, of the arms or heraldic device of the State of New York, one to be placed in the State library, and the other to be placed at the disposal of the committee on the restoration of Independence Hall, Philadelphia, six hundred dollars, or so much thereof as may be necessary."† The object of the deposit in the State Library was to diffuse and perpetuate a knowledge of the genuine State Arms. The first two specimens which we have just mentioned, having since been dis-

* History of St. Paul's Chapel, N. Y., by Rev. Morgan Dix, D. D., 1867,— Rev. Mr. Betts, in the N. Y. General Record, vol. III, p. 116, on the Heraldry of St. Paul's Chapel.

† Chap. 634, Laws of 1875.

covered, had not come into public notice. We give in a note a description of this painting of the Arms in heraldic language, made and published by the Rev. B. R. Betts, of N. Y. City, in place of the description of the copy which was made for the State Library in 1875, and which differs from the original painting in some respects.*

Besides these two copies, a third was made for the centennial exhibition in Philadelphia for the Hall devoted to the Women's Pavilion for the Works of Women. This copy was embroidered by Tiffany & Co. on a light colored silk, and was in size about fifteen by twelve feet. The expense was paid by collections made for the purpose from the women of the State of New York, under the auspices of Mrs. Howard Townsend. By means of a second appropriation of the Legislature in 1878, obtained upon the request of the same lady, another copy, the fourth of the same painting, was made

*Blazon of the Arms of New York from the St. Paul's Chapel painting of 1785, by Rev. B. R. Betts.

Arms. Per fess, the sky in chief and the sea in base, the upper half of the Sun rising out of the latter, all proper.

Crest. On a wreath vert and argent the northern half of the terrestrial globe, of the second, the meridians sable, a spike projecting from the pole of the last; above it, but not touching, an eagle rising proper, to the sinister, his head reflexed below his breast, grasping in his beak his dexter talon.

Supporters on a quasi compartment formed by the extension of the scroll or. Dexter. Liberty, hair brown, decorated with pearls, proper, face, neck, arms, hands and feet also proper; sandalled gules, vested vert; depending from and behind her shoulders a brown mantle, in her dexter hand a pole sable, spiked at the foot or, thereon a Phrygian cap argent, the sinister hand resting on the shield. Sinister. Justice, her face neck arms hands and feet proper, sandalled gules, her hair brown and flowing, decorated with pearls, vested in a brownish gray, cinctured about the waist azure, the cincture fringed or, bound about the eyes with a fillet sable, depending from and behind her shoulders a mantle as the cincture, holding in her dexter hand a sword erect argent pomelled and hilted gold; in her left depending by a ribbon gules, her scales, the beam sable, the strings as the ribbon, the scales, round, or.—From N. Y. Geneal. and Biog. Record, 1872, vol. III, p. 119.

for the Mount Vernon Association, to be hung up with the arms of the other States in the mansion at Mt. Vernon.

Having now given a history of these three earliest known specimens of the Arms, and accompanied each one with a scientific description, it seems necessary and unavoidable that I should describe particularly the earliest specimen in language which shall be clear and sufficiently exact, avoiding as much as may be possible technical terms, and that I should at the same time indicate the points wherein the second and third differ from the first.

ARMS. Shield. At the base of the shield of the first specimen, a shore of land is seen fringed with shrubbery, beyond there is an expanse of water smooth and calm. In the two later specimens the water commences at the very base of the shield, in the second it is in commotion, and in the third it is calm. Upon the water a ship and a sloop are seen advancing towards each other. Upon the second and third there are no vessels. Beyond the water appear in the two first three mountains, the central one being the most elevated. In the Library copy of the third there are mountains, but on the painting in St. Paul's chapel it is clear that the sun rises directly from the water without mountains. In the first and second two thirds of a sun, with a great effulgence of rays, appears beyond the mountains.

Crest. An eagle, with its head and front of its body directed to the right of the shield and its wings spread, stands upon a two thirds of a globe, with parallels of lat-

itude ; it shows outlines of a portion of the east coast of the New World and of the west coast of the old world. The eagle of the second specimen very nearly resembles that of the first. Neither of them should be supposed to have been drawn to represent what we call an American eagle, but only the traditional heraldic eagle. The eagle of the third specimen conforms more nearly to our usual notion of the eagle, but it has the peculiarity that its head is turned to the left, while its feet do not touch the globe, but it hovers over it in flight. The word "America" is painted upon the globe, and there are drawn meridian lines in addition to the parallels of latitude.

Supporters. The figure of Liberty is on the right of the shield, and is completely dressed in a robe, with a mantle falling from one shoulder, and passing in front below the waist. In the second and third the mantle resembles an imperial cloak, spreading out behind on both sides of the robe, and somewhat shorter. The robe reaches to the feet, which have socks upon them, while in the second and third they have sandals. There is no belt at the waist in the first or second, but there is in the third. Besides the face and neck, the hands and fore-arm only are nude. The same is true of the other two. Her left foot rests upon a crown, which is overturned. In her right hand she holds an upright staff with a liberty cap upon it, and her left supports the shield with vigilance and firmness. In the second specimen also the foot rests upon a similar crown ; in the third specimen the crown lies *at* the foot of Liberty. In the St. Paul's Chapel picture in New York, in addition to the crown overturned,

there is lying under the crown cross-wise a sword and a sceptre.

On the left of the shield the figure of Justice stands, with a robe similar to that of Liberty, with a long waist, having lapels but no belt. The mantle passes from behind over her left shoulder down in front across under the right fore-arm. The same style of cloak is worn in the second and third as by Liberty. In her left hand she holds an even balance; in the two earliest specimens, it hangs away from her body, and in the St. Paul's chapel specimen directly in front of her body. In her right hand she holds a sword with the point upward, but her arms down in the two early specimens, the elbow touching the shield. The sword is raised higher, with her hand touching the left point of the shield, in the Chapel specimen. Her eyes are blindfolded in all three of them, but she seems anxiously and intently listening to reach the truth. The face, neck, hands and fore-arms only are exposed. It is so also with the second. In the third nearly the whole arm is bared.

Her feet are covered with socks in the first two, and sandalled in the last specimen. The first two have no belt at the waist, in the last one Justice is belted.

Motto. The word *Excelsior*, painted upon a scroll, upon the ends of which stand the supporters, alike in all three of the specimens. There is a mantling of scroll-work over all the three specimens.

The next representations of the Arms, the nearest in time to the Chapel painting, were on the New York copper tokens of 1786 and 1787. There were issued four varieties of copper coins in those years known by

that name, and even a gold piece of the same size. They were struck at Birmingham, England, as a means of profit for speculators in New York city, and all bore upon them some portion of the Arms of the State.* One of them, having on the obverse the figure of an armed Indian chief, had on the reverse, a rudely cut but lively picture of the complete Arms, the supporters markedly holding up the shield, although each one is on the wrong side of it, and the head of the eagle is turned to the left. None of these can be appealed to for official evidence of the original device of Arms, as they were issued without authority of law, the legislature declining to recognize the undertaking.

A lithographic picture of the Arms, obtained from a study of the three specimens first described, and conformed largely to the one from the military commission specimen, has been prepared by Mr. S. C. Hutchins and will be published as a vignette on the title page of the edition of the New York Civil List for 1880. The volume will contain from his pen many of the facts which I have mentioned.† In the year 1875, a copy of the St. Paul's chapel painting of the Arms was cut on wood with the legend, *Saint Nicholas Club*. 1875, as a design for the seal of that institution, and it may yet be adopted as such.

* Hiccox's American coinage, pp. 78, 79.—Historical Magazine, 1869, p. 117.

† Mr. Quayle, an engraver in Albany, in the preceding month has also made a miniature engraving of the Arms, intended for use for letter-heads for the public offices, he having availed himself of all three of these representations of the Arms to perfect his design.

No peculiar significance or meaning has been attached hitherto to some of the emblems constituting the original Arms of the State: yet it is well worthy of our inquiry whether they had not a very distinct and positive meaning in the minds of the original proposers of them. If the interpretation of them which I shall venture to give shall be received as correct, I am confident it will enhance our respect and attachment for them. This significance disappears from most of the modern representations of the Arms; nor does any one of the three express all the meanings with equal force.

I think the device upon the shield is emblematic of New York itself, by means of its most characteristic feature, the passage of the Hudson river through the mountains to the ocean; the tranquil and calm water represents not the sea but the Hudson river; there is land at the base of the shield, with shrubs upon it, which is the west bank of the river. The reason why the shield was made so broad at the bottom as compared with the very pointed base of the third specimen, was probably to give an opportunity to make the land on the west bank to be more obvious to the eye. The mountains represent those of the Highlands on the east bank. The water is not in commotion, dashing up against the base of the mountains, as drawn upon the great seal of 1777; for the mountains do not spring directly out of the water, but have a shore of foot hills of very slight elevation between them and the water. The existence of this low land on one and both sides of the water has never before been recognized on the shield in any of the later draw-

ings until this moment.* Upon this river is to be seen, with a ship, the once so familiar North river sloop, passing through this wonderful chasm in the great Appalachian chain of mountains, which tells of the path for an empire assured thereby to New York, in the facility that this tidal communication, of one hundred and eighty miles from the ocean by the river towards the great lakes, and to the heart of the continent was to offer for carrying on the commerce of the new United States.†

The eagle as the crest of New York has this historical prominence, that it is extremely probable that New York was the first of the States to make use of it. It now forms the crest of only Maryland and Pennsylvania of the original thirteen States. It was adopted by New York previous to its being adopted by Pennsylvania.‡ It was not on the colonial arms of Maryland, and in what year after the revolution it was first put upon the great seal of the State by the Council the evidence is not yet clear.§ The eagle was not adopted as a portion of the Arms of the United States till June 20, 1782, more than four years after its adoption by the State of New York, as its

* The Rev. J. H. Frazer of Franklin, Delaware county, who has in his possession the original engraved military commission of 1773 has at my request made an attentive scrutiny of it, and he informs me that there is unquestionably engraved upon the Arms, land on both sides of the water, such as I have described it.

† It is not a conclusion that I have adopted; but I have thought that when the original blazon of the Arms comes to be discovered, if it ever happen, it may be we shall find that the sun was designed to represent a "westerling" sun, and not a rising sun; in which case the mountains depicted upon the shield would be those upon the west bank of the Hudson, and stand for the Catskills which they fairly resemble, while they are more than twice as elevated as the mountains lower down the river.

‡ Penna. Legis. Docts., vol. III, 1875, No. 21.

§ Maryland, Laws of 1854.

crest.* It had not been upon any arms or seals previously used in the State.† There is reasonable ground for the conviction that the crest of New York, an eagle facing to the west, with wings spread, was the device of those who were familiar with the idea of western development, rendered popular by the prophetic verses of Bishop George Berkeley, (of whom Pope said he had "every virtue under heaven"), at the time of his enthusiasm for education in America. They were written by him just half a century before the Revolution, and were entitled "The prospect of planting the Arts and Learning in America." He afterwards passed more than two years (1729-1731), at Newport, in Rhode Island. The device was intended to shadow forth, as in a picture, the concluding lines of those verses :

"Westward the course of Empire takes its way ;
The four first acts already past,
A fifth shall close the drama with the day ;
Time's noblest offspring is the last."

The eagle's head and front, and its flight are in the direction of the dexter of the shield, from east to west, from the old world to the new. The succeeding artist who painted the canvas for St. Paul's Chapel, aware we may suppose of the original intention of the design, and thinking that the emblem was not sufficiently understood, endeavors to make it more clear, by boldly painting upon the western continent of the demi-globe the word *America*, and draws the eagle, instead of standing upon the globe, as hovering over it in actual flight to the west.

* Preble, History of the Flag, Albany, 1874, p. 479.

† Lossing in Harper's Monthly, v. 13, p. 178.

Massachusetts in the midst of the revolution, in 1775, adopted the motto of her Arms from a couplet of Alger non Sydney. It would not be surprising that New York should have been inspired in a similar manner by such memorable verses from Bishop Berkeley. We know not what further revelations are yet in store for us from other sources regarding the early history of this ensign of our commonwealth. We know however that in 1776, Gov. Pownall had published in London his folio volume on the geography of the Colonies.* In this work he gives the greatest prominence to the position of New York, as constituting the line of division between all the other colonies, owing to the marvelous "chasm" as he calls it of the Hudson river, by means of which commerce easily reaches the lakes. And in the same year Adam Smith, discussing the possible future of the British empire, had applied by anticipation to the colonies the phrase "the seat of the empire."† With the writings of both these men, Washington must have been well acquainted; and hence when in 1784 in responding in New York city to an address of the Common Council, he applied to New York the phrase "your State (at present the Seat of the Empire)," he was adopting language expressive of a thought, already current in America for many years; a thought suggested first to the inventors of the Arms from the marvelous facts of nature, then from the writings of these English authors, and finally by them set forth to all men on the Arms themselves.‡

* Pownall, T. A topographical description . . . of the middle Colonies of America. Lond. 1776. fo.

† Wealth of Nations, Book IV, Chap. 7, p 59.

‡ New York City: Addresses to Washington and his Answers. N. Y., 1876, 80.

The choice of Liberty and Justice as supporters of the shield, may have been suggested to our committee, from their remembering that in the Congress of 1776, on the tenth of August these emblematic figures had been suggested as the supporters by the first committee appointed to devise Arms for the United States, a committee of the most distinguished character possible, John Adams, Thomas Jefferson and Benjamin Franklin, and only abandoned on account of the whole device as proposed for a seal with obverse and reverse, being too complicated. In brief, on the shield of our Arms is expressed not merely a sun rising upon the earth, but a sun rising upon the Hudson river, the great geographical feature of the State: while the crest is not merely a portion of a globe but represents America, and the eagle's flight expresses the hope of other poets and authors than Berkeley, — the belief of tens of thousands of that day of the coming glories of the New World.*

The Arms such as we have now described them continued to be set forth on seals and vignettes of books published by authority, without essential change, for a period of forty years. Engravings or wood-cuts of them, appeared on the title pages of the successive editions of the laws of the State, which were published by Greenleaf in 1798, by Webster and Skinner in 1801, by Southwick in 1813, and in the annual volumes of the session laws from 1815 to 1819; they all give us a passable

* Rev. A. Burnaby in his Travels in North America published in Lond., 1775, writes: "An Idea, strange as it is visionary, has entered into the minds of the generality of mankind, that empire is travelling westward, and every one is looking forward with eager and impatient expectation to that destined moment when America is to give law to the rest of the world." p. 155.

idea of what was the original device. Gradually after that date changes came on ; at first one only of the figures or supporters appears seated ; but after a while both of the figures were drawn seated, or one of them disappears entirely ; besides many other changes perhaps as serious, and without any apparent authority of law. To these changes we shall soon refer more particularly.

These changes originated in the substitution in these vignettes of the title pages of the session laws and of other publications of the State, of the pictures found upon the seals of the State in place of the pictures of the Arms of the State. The new dies for the seals formed a sufficiently graceful picture for a vignette. When the casts or blocks used in printing were worn out by use, these pictures on the dies of the new seals were allowed to take the place of the Arms. From time to time, as new cuts in wood or in type metal were needed, the varying tastes of artists and engravers facilitated farther changes, and occasioned still wider departures from the original Arms. The genuine Arms having once commenced to be disregarded as the unvarying symbol of the dignity and sovereign authority of the State, and not being in request except for occasional decoration and ornament, the pictures upon the seals were supposed to answer equally as well, and soon the time came when they were all that could be appealed to when any one was curious to see or asked to obtain a representation of the State Arms.

Thenceforward seals, vignettes and pictures of all kinds, made of every sort of pattern for the public offices, have passed in the common estimation as tokens of the

State Arms: they have been of every degree of completeness and exactness as regards the shield, crest and supporters. The only thing which is uniformly repeated upon every seal that I have observed except one, is the word *Excelsior*, which word with the ideal aspirations that it suggests, is certainly well retained, as conveying a double meaning of material and moral elevation.*

In the changes in these representations, whether regarded as Arms or seals, there are some which are especially worthy of notice, though we shall be obliged to omit all reference to many of them. In one of the devices, instead of the three mountains, the shield has the colors and stripes of the United States; another divides the shield between the emblems of New York and of the United States. In one there is the anachronism of introducing the canal as an emblem of New York; and in another a more violent anachronism, a steamboat and a railroad with a locomotive in the ornamentation outside the shield for Arms devised in 1778. The motto *Excelsior* is sometimes thrust within the shield. One of the latest devices for a seal for one of the public offices, has a picture of a castellated and barred entrance to a prison, and the only trace of the Arms of the State upon the seal is the inscription as if upon the doorstep, with a certain grim humor, of the motto, *Excelsior!* In many of the current pictures, each of the two supporters is on the opposite side of the shield to the one for which they were originally designed. Justice is seated upon some of them, and both Liberty and Justice are seated upon others. Liberty upon one has the cap of Liberty upon

* N. Y. Geneal. & Biog. Record, 1874. p. 55.

her head with the word "Liberty" upon the cap; upon another the cap has disappeared, both from the staff and from the head. Upon another Liberty is seated in a posture as if she were overcome with other spirit than the spirit of liberty. Upon a letter-head used in the Executive department as late as 1859 and perhaps later, there is the shield, the eagle and the motto, but the globe and the supporters have disappeared; and the legitimate symbols of Liberty and Justice have their places supplied by two figures symbolizing Science and Industry. The engraved letter-head in use in the office of the Trustees of the State Library has no unauthorized additions to the Arms, but rejects the crest and both of the supporters.

When by a movement of some one who has a fair knowledge of what are the Arms of the State, a picture of them, most of it correct, has been made, all that has been gained may be lost in the next picture drawn. Thus in 1849, the State struck a gold medal in honor of Lt.-Col. Bliss for gallantry in the Mexican war. The picture of the Arms on the reverse side was not only most attractive and graceful but in almost all respects was conformed to the original device. And yet five years later, on a gold medal struck by the State in honor of Lt. Hartstene's services in the Arctic regions, the design for the State Arms falls back upon all sorts of liberties and eccentricities, of which, recalling what I have said on the usual presence of it, the absence of the motto *Excelsior* is perhaps as noteworthy as any of them.

There is a change, much to be regretted, which has

been introduced, upon quite a number of the semblances for the State Arms, that the eyes of Justice are not blindfolded, the scales of justice, and the sword have been withdrawn from her hands, and in place of a sword is a roll of parchment. All these emblems belonged to the original picture of the Justice of 1778, and constitute a part of the mythological emblems to signify that justice is an avenger of evil acting with impartiality. In another case, the avenging sword remains, but without the balance or covering to the eyes. And yet the statue of mere carved wood on the top of the cupola of the old capitol from 1806 till a very late period, had been declaring, by the presence of the balance evenly suspended, and of the sword, what were the requisite symbols of her presence.

Although it is now more than three years since under the law of 1875, the copy of the painting of the St. Paul's chapel specimen of the Arms has been suspended in the State Library, yet the knowledge of the fact was not so widely diffused, but that the drawings which served for the State Arms as sculptured in stone over the fire-places in the Assembly Chamber, of the New Capitol, have both of the supporters seated; the eyes of Justice are not blindfolded, the figures of Liberty and Justice are each on the wrong side of the shield; their feet are not clad with sandals; and the two ships and the crown are not there. There are other departures from the original, and yet the picture is much more complete than has been frequently given out for the correct Arms.

In respect of maintaining correctly the Arms of New York, the military department of the State has made

more progress than the civil departments. The painting of the State Arms for the centennial of 1876 has apparently led to a change of the picture of the Arms of the State as displayed in the centre of the regimental flag of the N. Y. National Guard. In 1871 the State arms were painted on blue silk on regimental flags of twelve feet by ten, with the evident intention to have a complete arms, but both of the supporters were drawn sitting, and respectively on the wrong side of the shield. But in 1878 upon the new flag of white bunting, both of the supporters are drawn standing as is proper, and justice is blindfolded, with the balance and sword, as is also proper, though the point of the sword is turned downward and touches the ground. Upon the dexter or right half of the shield are to be found as on the original Arms, water (though without ships), mountains (four instead of three) and a rising sun. Upon the left half of the shield are quartered emblems of the United States; a measure doubtless justified on the ground that since the adoption of the State arms in 1778 the independent State of New York had formed a new Union with the United States of America; and is conformed in that respect to the usages of heraldry, (when done with authority). As the embroidery is worked through and through, the supporters appear on the reverse to be on the proper side of the shield.

I do not pretend to indicate or enlarge upon all the variations, between the original Arms and modern pictures of them; but there is one symbol which has disappeared from every representation of the State Arms that I have seen of the last ninety years. It is the over-

turned royal crown under the left foot of liberty. I am not aware that the existence of this most significant emblem has ever before been pointed out or recognized as absolutely belonging to the State Arms.* It has disappeared from all the pictures of the State arms, and from all the seals of the State, if it was ever upon any of the latter. And yet this crown is distinctly shown upon all the three early specimens of which we have been speaking. Now, while the arms of many of the States *symbolize* independence and liberty, our own State stands alone in declaring by this position of a crown at the foot of liberty, a distinct abandonment of royal and monarchical government, and the substitution instead thereof, of government by the people and for the people.

By some accident in making the copy of the St. Paul's chapel painting for the State Library, the crown has not been observed or preserved in the copy; nor was the sword and sceptre under the crown observed and copied. Or if observed, they may have been omitted on the ground that they were not an essential part of the Arms, according to canons of heraldry.

Without referring to the many arguments, which will naturally occur to your minds, against distorting and altering the emblems on the State Arms, I must instead beg you to dwell with me for a single moment on the argument against such changes which offers itself from a consideration of the remarkable character of the three eminent men who proposed the device for the Arms in 1778. They were men who, we know from their history,

* Rev. Mr. Betts speaks as if it was introduced solely by a fancy of the artist who painted the St. Paul's Chapel specimen. N. Y. Geneal. Record. III, p. 18.

had deliberately considered all the consequences that were involved for themselves and the people, in choosing the emblems which they set forth as a device of State Arms. Lewis Morris, John Jay and John Sloss Hobart:— the first a descendant of a commander under Cromwell and during the Commonwealth, and a signer of the declaration of Independence; the second, a descendant of a French family seeking refuge here from monarchical persecution, the first chief justice of the United States, and six years a governor of the State; the third, a Son of Liberty of 1765, a judge of the Supreme Court of New York, a circuit Judge of the United States, and a United States Senator. All three of them, prime leaders among their fellow citizens, at this very time were suffering from the devastation and wasting of their estates by the British, and were refugees from their homes.* The enemy was at their doors. They were familiar with the old seal of the province which down to the Revolution had upon the obverse side the Royal arms of Great Britain, and on the reverse the queen or the king of the successive reigns, standing and receiving the homage of two crouching Indians, a chief and a woman, offering gifts.† The Arms of the colony, from the year 1686 had retained over the shield and supporters the sole symbol of the royal British crown as a crest. The laws of the colony in volumes printed in England or New York down to 1752 bore on the title page a vignette of the complete arms of Great Britain.

* Jones's Hist. of N. Y., 1879, vol. II, p. 48.

† The Arms previous to 1664 are described in the MS. folio volume *Annalium Thesaurus*, Secretary of State's office. They had no supporters. An impression of the seal having them may be found in Letters MS. 1647-1663.

But in 1752 and in 1762 the folio volume editions of these laws had as their sole vignette the arms of the colony. The same seal only was on the colonial money of 1771. In thus superseding the complete British arms by the arms of the province, they were following on in harmony with those same popular impulses which had led the people to rush out from the King's Arms tavern, to overthrow the King's Statue on Bowling Green, and to cause its lead to be melted into bullets. No New York Arms had as yet replaced them in the Province. The sole change made in the old arms was to place the eagle over the shield instead of the British crown for a crest. They were required to provide a complete appropriate substitute, to make all things new. So these three men, rejecting with calmness all tokens of subjection, and standing upon the manhood of common citizenship, with no spirit of vengeance that with spear in hand exclaims, *sic semper tyrannis*, devise an emblematic State Arms, which announce with simplicity and directness a state to be maintained under popular sovereignty, and supported by liberty and justice without the aid of kingly power. The people of to-day, with a knowledge of the facts, will certainly not be indifferent when they reflect that a device of arms, originated and cherished by these leaders through such a crisis of our history, is liable to be either abandoned or disfigured, and no one can give a "reason why."

If it should be said in reference to one feature of the Arms, the overturned crown under the foot of liberty, that according to heraldic rules it can be disregarded as not an essential feature, yet, remembering that it was

placed there by men so honorable and honored in our history, should we not be jealous to retain it? We recall also that George Clinton, of whom Hammond says "He was in grain and principle a republican," in the same church where a preceding colonial governor had sat in his pew under a painting of the British Arms, had for many years, as Governor of the new independent State, sat under these new republican Arms, with the approval of all the people;—and can we with easy and careless indifference allow ourselves to erase or efface so expressive a portion of this grand and beautiful memorial of the birth of the State?

These Arms were conceived during the battle-year of 1777: they were formed at the crisis of the revolution. With these Arms on her flag, New York went through the war; they were displayed at the great surrender of Cornwallis at Yorktown. It cannot be possible that any of the emblems upon them, of such historical significance, will be allowed to disappear without any one knowing how it occurred and without any approving voice of the people. How can we speak of having no blot on our escutcheon, if we are indifferent as to what that escutcheon really is, and if we do not cherish the symbol of the empire State with reverence, when we find it restored to our sight?

When we consider the lofty and noble significance of the symbols devised by these founders of the State, how paltry and trifling are mere female figures, with the emblems of their character, the cap of liberty, the scales, the blindfold and the sword removed;—figures seated and inactive, supporting nothing and apathetic, while

our shield with its rising sun, and our motto, *Excelsior*, speaks of aspirations for all that is best, to be *sustained* by Liberty and Justice!

The badges and ensigns by which to designate and identify a people are a species of object teaching, the use of which comes down from the remotest antiquity. The twelve tribes of Israel were each shadowed forth by a specific emblem. Each one of the six nations of the Iroquois was known by one. Our soldiers know what it is to follow or stand by the national flag in battle: and each army corps of our civil war had its unchangeable and easily recognizable badge.

In a comparative study of the arms and seals of the States of the whole Union, I find that at least sixteen of them have arms and seals which are nearly identical with each other, with the exception that each seal has the addition of an inscription or legend, bearing the name of the particular department using the arms as a seal. And in Massachusetts, as in New York, on parade or in service, the State flag having upon it the Arms of the State is borne along in company with the national colors. But the arms of several of the States appear to have been subjected to various fanciful changes like our own, as if in the view of those who make fresh copies, there was no significance or authority in the original picture or device. The arms on the seal of the State of Connecticut were changed before the revolution from fifteen vines to three with no apparent authority. The constitution of 1818 declares that the seal shall not be altered, but neither in that instrument nor in any law is the seal ascertained or described. In 1840, the secretary of State

was required to report "whether any legislative enactment is required for a proper description of the seal: which he neglected to report upon.* In Wisconsin the State has no arms, *eo nomine*, established by law, except the device upon the great seal, which was devised by the Governor and Chief Justice in 1851 to replace the two former seals, and "Forward" adopted as the motto, as a free translation of the *Excelsior* of New York. And each department uses this as a coat of arms with such variations as the fancy of the engravers suggests.† In Pennsylvania, the knowledge of the correct arms and seal was found in 1874 to be lost, and a Commission including the Governor was appointed "to correct the arms of the commonwealth and to have the same recorded in the archives." This commission made a report in 1875 recommending a return to the earliest known copy of the Arms of the year 1779. In one of the documents accompanying the report it is recommended "that a stringent statute be adopted requiring adherence to the arms and prohibiting any tampering with them or so called æsthetic improvement. . . ."‡

Whatever are the merits of the arms which have been adopted by any of the States, there are none of them which declare by so significant symbols, that the State has entered upon the maintenance of a republican and democratic form of government, as the Arms of the State of New York. The military commissions of the State begin, "The people of the State of New York . . .

* Conn. Hist. Soc. Collections, vol. I, Art. by C. J. Hoadly.

† Wisconsin State Journal, Dec. 1879.

‡ Penna. Legislative Documents, 1875, No. 21. vol. III, p 1113.

reposing special trust in you . . . do appoint you" — that is, in the name of the people, instead of the language of a colonial commission, which was in the name of the governor, and founded on *his* trust in the person to be appointed.

If this position which I have maintained, that this State has a definite and unchanged coat of arms for more than a century past is verified, as on examination I think it will be, then it would seem that there cannot be a doubt what the decision will be, when the history and character of the arms are appreciated.

A common sentiment will be stimulated to secure the necessary action which shall prevent the arms of the State from being confounded with the seals of the State: and measures will be adopted so that it shall no longer be true that any man in the State who is a voter may not easily know and be familiar with the symbols by which the State of New York a hundred years since decreed to make herself known to the world.

It is obvious that the topic which we have been considering is deeply interesting to thousands in this State, and in other States also, from the enumeration which I have made of three recent calls for a public exhibition of our State Arms, two at Philadelphia and one at Mount Vernon; and from the fact that three times successively, in the years 1875, 1878 and 1879, the legislature has made appropriations of sums of money for correct drawings of the Arms, — its members thus recognizing the importance of the subject. It is evident that the time has now come to give effect to these efforts, and that to prevent all whimsical or negligent treatment of the Arms in

drawings by artists or others, which might either destroy or disfigure their significance, the legislature might wisely adopt measures to reestablish by some declaration the character of the old arms of a century past, as not having been ever changed, if not as being unchangeable.

Among the measures necessary to be adopted one would be, to secure that a correct blazon or heraldic description of the Arms should be filed in the Secretary of State's office, and embodied in a special act, which should recite that the blazon which Gov. Clinton was directed to file cannot now be found as the reason; and another that a steel plate should be ordered to be engraved and preserved in the Secretary of State's office or in the State library conformed to this blazon.* And farther to secure familiarity with the device, a painting of it on canvas should be suspended in the executive chamber, and copies of engravings made from the plate should be suspended in all the public offices of the capitol, and sent for like publicity to all the county clerks. Copies should be furnished on application to cities and towns when applied for; and they might be accompanied with a printed certificate from the Secretary that the engraving shows the true Arms of the State as preserved in his office.

It would be worthy of discussion also, whether it be not possible that the seals of the public offices, at least the great seal, as was originally intended, should ultimately bear these true Arms, each seal having its legend

* I am indebted to Mr. DeLancey for this last suggestion, made to me in writing since I read the paper to the Institute. He will also soon publish a paper containing his own more scientific statements on this subject.

around the border, of the particular office or department using it. Questions relating to title to property may be made to depend upon the impression upon a document of a genuine, well known and incontestable seal. Before the revolution, the royal arms were impressed upon the pendant seal used in patents and grants.*

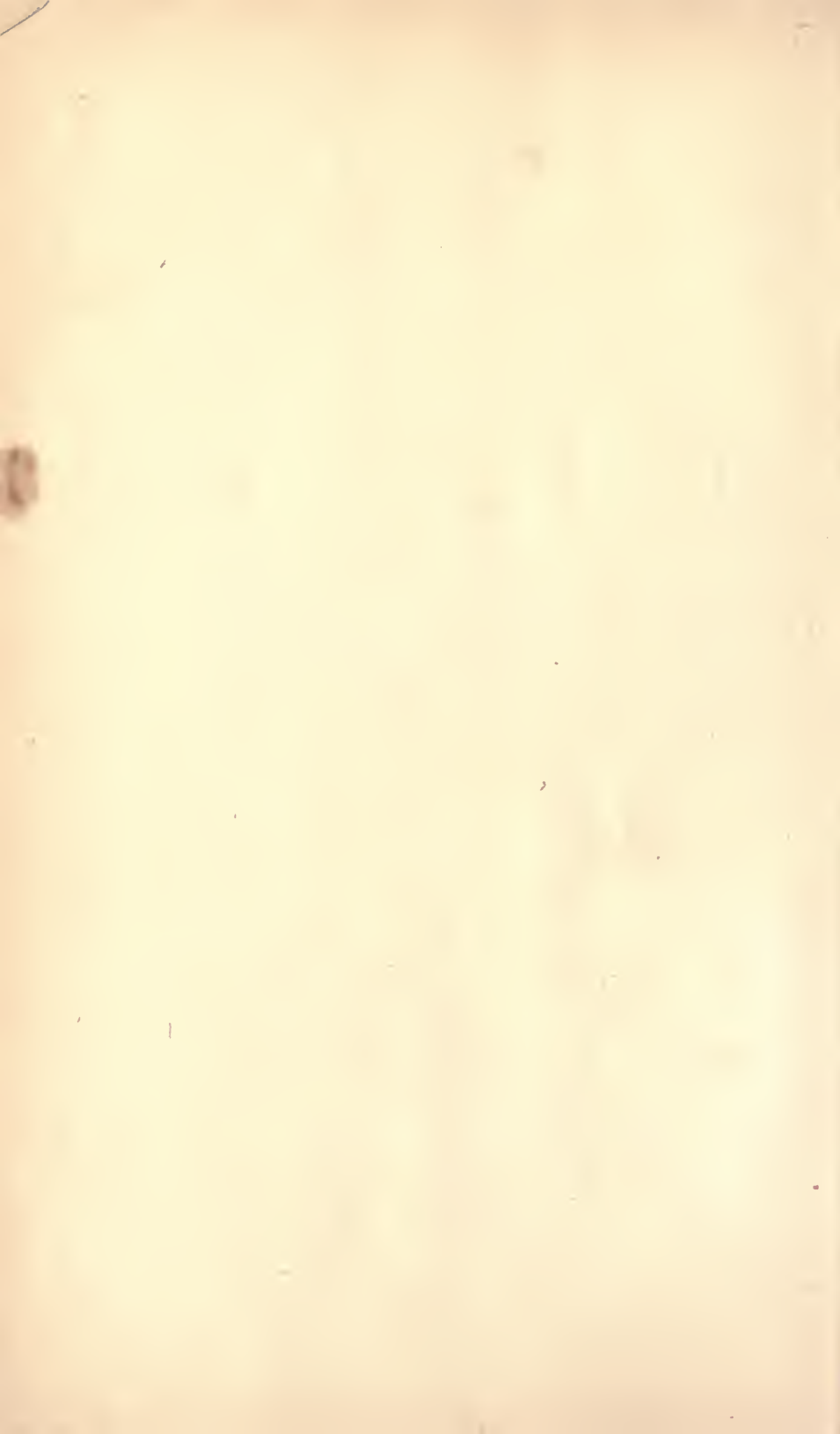
The result of such measures and discussions would be to restore the Arms to the position which belongs to them. If in 1806, the Arms of the State had been carved and placed solely in the tympanum of the portico of the then new Capitol, as it was intended to have been done at the time when it was built, we would have been spared much of the confusion of the last seventy years. The Arms, besides being placed upon seals, flags, military commissions, and medals of honor, might be placed upon all the public buildings, carved in stone or painted, not only on those of the State, but of counties, cities and towns; they should wave on a standard jointly with the flag of the United States over the Capitol during sessions of the legislature, and wherever it was natural and desirable to impress a sense of the presence of the sovereignty of the State and of its eminent jurisdiction. Every citizen and beholder would be inspired thereby with sentiments of respect and of patriotic pride in the Empire State.

* Addison on Contracts, Art. Seals, Am. Ed.

NOTE.

On page 42 the Arms, usually called the Arms of the city of New York, are referred to as the Arms of the Colony or Province. The same Arms are indeed those which are stamped both upon the paper currency of the Colony and upon the editions of the laws of the Colony for more than a score of years previous to the Revolution. But the change of name from "city" to "colony" was made in the text while the essay was passing through the press without comparing it with the context. It would be, however, an investigation of much interest if some gentleman would find time to make it, to discover and trace the history of the origin and varied uses of the Arms of the *Civitas* of New York from their first introduction to the present time.







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